IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

TRANSMITTAL FORM

In re Application of: O'Lenick et al	
Serial No:	Filed:
	Ref: SUR-001

Commissioner of Patents and Trademarks Washington, D.C. 20231

Dear Sir;

Please find enclosed the following components of an information disclosure statement:

- 1. PTO list of patents cited
- 2. Discussion under rule 98
- 3. Cited patents as follows; 6,331,293

Applicant respectfully contends that this package conforms to the provisions of 37 C.F.R. 1.98 and 37 C.F.R. 1.97. Applicant respectfully requests that the information contained herein be considered by the examiner in charge of the case.

Respectfully submitted;

Anthony J. O'Lenick, Jr.

Applicant
January 24, 2004

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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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		DIO	21 001155	Application Number		
INF	ORMATION	DISC	CLOSURE	Filing Date		
STATEMENT BY APPLICANT			PPLICANT	First Named Inventor	O'Lenick	
				Group Art Unit		
(use as many sheets as necessary)			ecessary)	Examiner Name		
Sheet		of	<u> </u>	Attorney Docket Number	Sur-001	

	U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	U.S. Patent Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	FOREIGN PATENT DOCUMENTS							
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (MPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.



^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Discussion Under Rule 98

U.S. Patent 6,331,293 issued December 18, 2001 to Smith et al describes phosphobetaines that are derived from dimer acid. Unlike the compounds of the present invention, these materials are amphoteric surfactants and are barriers when applied to the skin. It is stated that the compounds are "extremely substantitive to human skin and are well tolerated by human tissue making them suitable for use preparation of barrier products for personal care applications". Unlike these materials, the compounds of the present invention are not amphoterics, but are quats, are not barriers but are conditioning agents that do not build up on the hair or skin.

Respectfully submitted;

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Applicant

January 24, 2004

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